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The CDC Banned Evictions. Tens of Thousands Have Still Occurred

By Annie Nova, CNBC • Published 5 hours ago • Updated 59 mins ago



Honeycutt's house



The Honeycutt's house in China Grove, North Carolina. They moved in around 10 years ago.

- The CDC made an unprecedented announcement in September: As the nation battled the coronavirus outbreak, most evictions had to be halted through the end of the year.
- But while the moratorium has slowed the displacement of families, it has failed to keep many other people in their homes during the public health crisis.
- Tens of thousands of evictions have occurred since September, according to eviction filings and interviews with legal aid attorneys and housing advocates.

For close to a decade, the Honeycutts lived in the brick house with white shutters on Patterson Street in China Grove, North Carolina.

[Vicki Honeycutt](#) and her husband, James, a disabled Gulf War veteran, loved to sit out on the front porch, drinking Pepsis or sweet tea. Vicki's favorite space in the three-bedroom house was the living room, where she usually hosted Christmas. Last year, her son, Matt, proposed to his girlfriend, Ragan, in front of their glistening tree.

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This year, when the holidays roll around, the Honeycutts won't be there.

Vicki fell behind on the \$1,100 monthly rent after she was laid off in March from her position as an executive assistant at [Bank of America](#). She applied to more than 100 jobs and sought rental assistance from multiple local organizations, but nothing worked out in time. [Jones Property Management](#) moved to evict the family.

By the time Vicki secured a legal aid attorney, who would explain in court that the Centers for Disease Control and Prevention had announced in September [a ban](#) on evicting tenants for nonpayment of rent until 2021, a judge had already ruled against her. The Honeycutts had to be out by Halloween night.

"It's the scariest thing I've been through," said Vicki, 53.



Matt Honeycutt proposing to his girlfriend, Ragan, last year.

The [coronavirus pandemic](#) was expected to trigger the severest housing crisis in U.S. history. By one estimate, as many as [40 million](#) Americans were at risk of eviction.

Then in September, the CDC made an unprecedented [announcement](#): Most evictions had to be halted through the end of the year. Dr. Robert R. Redfield, director of the CDC, signed [a declaration](#) that said evictions could get in the way of the nation's attempts at curbing the coronavirus.

But the moratorium is failing to keep many families in their homes during the crisis, according to eviction records, housing advocates and legal aid attorneys. Tens of thousands of people have been evicted since September because the CDC's policy has been applied inconsistently across states and some landlords have ignored or challenged their tenants' attempts at using the protection, experts say.

"We're still seeing mass evictions, even with the CDC order," said Daniel Rose, an organizer with [Housing Justice Now](#) in Winston-Salem, North Carolina.

The CDC did not respond to multiple requests for comment.

Spotty protections prior to CDC ban

Before the CDC issued its eviction moratorium, [only a scattershot](#) set of protections existed for struggling renters.

The [\\$2 trillion stimulus package](#) Congress passed in March included a prohibition on evictions from federally financed properties, including those backed by government-sponsored mortgage entities [Fannie Mae](#) and [Freddie Mac](#). However that policy covered just [1 in 4 rental units](#) and expired in July.

In the absence of any sweeping federal protections for renters, 43 states passed their own eviction moratoriums.

Yet many of the statewide bans were in place for 10 weeks or less. North Dakota and Iowa halted the proceedings for only about a month.

Meanwhile, seven states, including Ohio, Georgia and Wyoming, never stopped evictions.

"States and localities failed to provide the minimum protections necessary to prevent the spread of Covid-19 related to eviction," said [Emily Benfer](#), a visiting law professor at Wake Forest University.

'A flat-out prohibition on evicting tenants for nonpayment'

It had been a busy and difficult two weeks for [Brandon Beeler](#), director of the Housing Law Center at Indiana Legal Services. Evictions had been ramping up since Indiana's statewide moratorium [expired in mid-August](#). Unemployment had reached [as high as 17.5%](#) in the state and [one estimate found that more than 300,000 residents](#) could lose their homes.

But then, as Beeler was wrapping up his workday on Tuesday, Sept. 1, he heard the good news: The CDC was banning evictions until 2021 for tenants who couldn't afford their rent.

As Beeler read through the order, he was surprised at how broad and straightforward the new protection seemed: Renters simply needed to fill out [a declaration form](#), asserting that they met a number of requirements, including that they expected to earn less than \$99,000 in 2020 and had tried to seek rental assistance. No documentation, it appeared, would be necessary.

"We interpreted this as a flat-out prohibition on evicting tenants for nonpayment of rent," Beeler said.

Source: Emily Benfer

Emily Benfer

But the policy has not provided the blanket protection that many struggling renters and housing advocates had hoped it would.

[The Eviction Lab](#) at Princeton University has identified around 80,000 evictions in just the 27 cities that it tracks, including Cleveland, Houston, Tampa and New York, during September, October and November.

Jim Baker, executive director of the [Private Equity Stakeholder Project](#), has counted more than 20,000 new eviction cases filed since September by corporate landlords in Arizona, Florida, Georgia, Nevada, Tennessee and Texas alone.

Inconsistent application of the protection

"It should have had the effect of preventing people from displacement," Benfer said, about the CDC's moratorium. "But it was implemented inconsistently across states and even across counties within a state."

The monthly rent on Sierra Graves' two-bedroom apartment in Rural Hall, North Carolina, where she lived with her three children, Morriyah, 12, Jahsiah, 10, and Destiny, 7, was \$550.

But after Graves' hours as a housekeeper at a nearby hotel were cut in February, it became a struggle for the single mother to come up with that monthly sum.

Still, she did what she could. Her children were attending school remotely and they'd just gotten a new dog, a pit bull named Dolph.

"Every time I got money, I tried to give my landlord some," Graves, 31, said. "I need somewhere to stay with my kids, especially with the pandemic going on."

When Graves heard about the CDC's announcement, she quickly filled out the declaration and gave it to her landlord.

Source: Sierra Grave

Sierra Graves' three children (from left to right): Jahsiah, 10, and Destiny, 7, and Morriyah, 12.

Still, he moved to evict her and her three children in September.

On Oct. 7, Graves showed up to the courthouse a few minutes late for her 9 a.m. hearing. She'd forgotten her mask, and had to run back to her car to get one. By the time she returned, the judge had already ruled against her.

"I walked out of there defeated," Graves said. "I felt with the CDC paper, we couldn't be put out."

"But the people at the courthouse, they just do what they want to do."

[Kelly Blue](#), Grave's property manager, declined to comment.

Less than a week after the CDC made its announcement that evictions for nonpayment were banned for the remainder of 2020, [Isaac Sturgill](#), housing practice group manager at Legal Aid of North Carolina, was surprised by a letter issued by the state's [Administrative Office of the Courts](#).

The memo informed court clerks that the CDC's policy doesn't stop it from processing evictions. Sturgill heard that as, "Keep on doing business as normal, even in the face of this unprecedented order."

Isaac Sturgill

"It's contravening federal law," Sturgill said, adding that his concerns about that letter have proven to be well founded.

"We've been seeing examples of covered tenants across the state still being evicted, and we think one of the main reasons why is the guidance that clerks should change nothing about the way they process evictions."

Legal Aid of North Carolina is now [suing](#) state and county court officials for [violating the nationwide eviction ban](#).

In response to a reporter's request for comment, the North Carolina Judicial Branch said that it doesn't discuss pending litigation.

In Indiana, tenants also can't rely on how the CDC's eviction moratorium will be interpreted from one courthouse to the next, said Beeler, director of the Housing Law Center at Indiana Legal Services.

"Even in the city of Indianapolis, you can have the exact same set of facts and keep your housing in one court and be evicted in another court," Beeler said.

The CDC order has caused "mass confusion" for landlords, too, said [Greg Brown](#), senior vice president of government affairs at the National Apartment Association.

"Judges throughout the nation are interpreting and implementing it differently," Brown said.

On Nov. 11, a sheriff came to remove the Graves from their home. Sierra had to leave their dog behind. When she'd later return to the apartment to get him, he was gone.

"That was sad news for me to try to break to my son," Graves said. "But I told him that when we get situated again, 'I'll get you another dog.'"

The family is currently staying at a motel, but Sierra doesn't know how much longer she'll be able to keep paying the nightly rates. She recently got a job at McDonalds, which helps. With [cases of the coronavirus on the rise in North Carolina](#), she said, "I've been so determined to keep my kids in this room."

Further guidance, in favor of landlords

On Tuesday, Sept. 23, at one of Vicki Honeycutt's court hearings, she was surprised to see a woman from Rowan Helping Ministries testifying on behalf of her landlord. The charity was one of the many organizations Vicki had reached out to in the hopes of securing rental assistance. (One of the requirements on the CDC's declaration is that renters have "used best efforts to obtain all available government assistance for rent or housing.")

Now the woman from the charity was making it sound like Vicki hadn't tried enough.

"They're trying to say I was putting these agencies on this piece of paper and I didn't use them, but I did," Vicki said.

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What Vicki ran into at the courthouse is not unusual, said [Ed Sharp](#), Vicki's lawyer from Legal Aid of North Carolina.

"Some landlord attorneys are making it their general practice to go in and aggressively cross-examine tenants to see if they really meet the requirements in the CDC order," Sharp said.

However, in reality, Sharp said, "Vicki was relentless in trying to get assistance for her family."

Jones Property Management declined to comment.

Kyna Grubb, executive director of [Rowan Helping Ministries](#), said their crisis manager was subpoenaed by Vicki's landlord and was required to answer the questions asked of her in court.

When the CDC first announced the eviction ban, it didn't say that renters would need to document their eligibility for the protection, Benfer said. However, on Oct. 9, the center published [additional guidance](#) that said landlords could challenge the veracity of a tenant's declaration.

As a result, Benfer said, "tenants are forced to prove their dire circumstances or face eviction," and many "courts are tipping the balance towards the landlords."

Source: Jim Baker

Jim Baker has been tracking evictions by corporate landlords during the pandemic.

"Landlords and their lawyers are grilling tenants about their spending habits, questioning their efforts to obtain financial assistance and even trying to subpoena their bank statements," said Daniel Rose, the organizer at Housing Justice Now in Winston-Salem, North Carolina.

"Some magistrates are entertaining these challenges," Rose added. "They're essentially turning these into perjury trials."

Landlords should have a way to verify that their tenants qualify for the CDC's protection, said Brown, senior vice president of government affairs at the National Apartment Association.

"While we sympathize and encourage the industry to work with those residents affected by Covid-19, there must be a legal mechanism to challenge bad actors," Brown said.

At the same time, however, it doesn't appear that landlords are under pressure to adhere to the CDC's policy, said [Sarah Saadian](#), vice president of public policy at the National Low Income Housing Coalition.

"We speak to tenants who've done what they need to do, but their landlord moves forward with the eviction anyway," Saadian said. "The CDC or Department of Justice isn't enforcing the moratorium the way they should be.

"It allows landlords to move forward wrongfully, without consequence."

The CDC says that landlords who violate the ban could face [jail time and a fine of up to \\$500,000](#).

The Department of Justice was tasked with enforcing the law. The agency did not respond to questions about how it was doing so or if any landlords have faced a penalty.

Evictions could increase virus's spread

Marvin Blue was diagnosed with prostate cancer in February and then soon lost his job as a fry cook to the pandemic. Continuing to come up with the \$690 monthly rent on his house in Winston-Salem turned

difficult.

Blue, 66, doesn't know if he'll be able to work with his cancer, and so he applied for Social Security disability benefits. He expected to soon receive a monthly check of around \$1,800, which would be enough for him to cover his bills.

Source: Marvin Blue

Marvin Blue said he tried to show a judge his CDC declaration. Still, he was evicted in November.

With his extra free time, Blue fixed up the house, painting it and cutting down old trees. He set up a swing and basketball hoop for when his children visited.

Yet his disability application wasn't approved as quickly as he'd hoped and his landlord, [Clement Little](#), moved to evict him in September.

Little did not respond to a request for comment.

In court, Blue said he tried to show his CDC declaration to the judge but he wouldn't accept it.

On Tuesday, Nov. 2, a sheriff came to remove Blue from his house.

"I told the sheriff, 'It's insane, the government stopped evictions,'" he said.

Blue didn't know where he would go.

Source: Kathryn Leifheit

Kathryn Leifheit researches how evictions impact people's health.

During the pandemic, researchers have been studying how evictions impact the spread of the coronavirus.

As many as 433,700 excess cases of Covid and 10,700 additional deaths were caused by states lifting their eviction moratoriums between March and September, one recent [study](#) found, raising concerns about what will happen when the CDC ban lapses at the end of December. More than [100,000](#) Americans are currently in the hospital with the virus.

"When you're looking at an infectious disease like Covid-19, evictions can have an impact not only on the health of evicted families, but also on the health of the broader community," said [Kathryn Leifheit](#), one of the study's authors and a postdoctoral fellow at the UCLA Fielding School of Public Health.

"When people are evicted, they often move in with friends and family, and that increases your number of contacts," Leifheit said. "If people have to enter a homeless shelter, these are indoor places that can be quite crowded."

After he was evicted from his house, Blue spent the next few nights sleeping either in his car or at a nearby laundromat. He believed those were his best options.

"With my cancer and Covid, I can't go to a shelter," he said.

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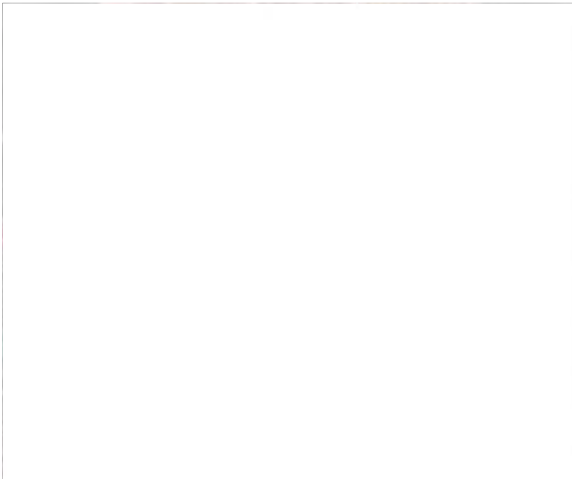
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